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*Counsel for Plaintiff/Counterdefendant  
YWS Architects, LLC and  
Counterdefendant Tom Wucherer*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

YWS Architects, LLC, d/b/a YWS  
Design & Architecture, a Nevada  
limited liability company,

Plaintiff,

v.

ALON LAS VEGAS RESORT, LLC  
fka ALON LAS VEGAS LANDCO,  
LLC, a Delaware limited liability  
company, and TISHMAR, LLC, a  
Nevada limited liability company;

Defendants.

ALON LAS VEGAS RESORT, LLC, a  
Delaware limited liability company,  
ALON LEISURE MANAGEMENT,  
LLC, a Delaware limited liability  
company,

Counter-claimants,

v.

Case No.: 2:17-cv-01417-RFB-VCF

**STIPULATION AND ~~[PROPOSED]~~  
ORDER TO EXTEND DISCOVERY PLAN  
AND SCHEDULING ORDER DATES AND  
DEADLINES**

**[FIRST REQUEST]**

YWS Architects, LLC, d/b/a YWS  
Design & Architecture, a Nevada  
limited liability company; TOM  
WUCHERER, an individual; DOES 1  
through 10; ROE CORPORATIONS  
11-20,

Counter-defendants.

Plaintiff/Counterdefendant YWS Architects, LLC and Tom Wucherer (“YWS”), and  
Defendant/Counterclaimants Alon Las Vegas Resort, LLC fka Alon Las Vegas Landco, LLC and  
Alon Leisure Management, LLC (“Alon”) (collectively “the Parties”), by and through their  
respective counsel of record, for good cause shown, pursuant to Local Rules 26-4 and 6-1, hereby  
submit the following Stipulation.

**I. DISCOVERY COMPLETED TO DATE:**

As required by FRCP 26 and Local Rule 26-1(d), counsel for the Parties held a telephone  
conference on August 4, 2017 to discuss initial discovery disclosures and to develop a discovery  
plan. Initial and supplemental disclosures were subsequently served as required by FRCP 26(a)(1).

The Parties filed their proposed discovery plan and scheduling order on August 24, 2017  
[ECF No. 27]. The Court issued its Scheduling Order on August 24, 2018, setting the discovery cut-  
off of April 30, 2018 [ECF No. 28].

The parties have exchanged the following written discovery to date:

1. On September 13, 2017, Alon propounded its First Set of Requests for Production of Documents upon YWS. On October 27, 2017, YWS served its response to this discovery request.
2. On September 15, 2017, YWS propounded its First Set of Requests for Production of Documents upon Alon. On November 6, 2017, Alon served its response to this discovery request.
3. On September 13, 2017, Alon propounded its First Set of Interrogatories upon YWS. On October 27, 2017, YWS served its response to this discovery request.
4. On September 15, 2017, YWS propounded its First Set of Interrogatories upon Alon. On November 6, 2017, Alon served its response to this discovery request.

1           5.       On September 13, 2017, Alon propounded its First Requests for Admissions upon  
2 YWS. On October 27, 2017, YWS served its response to this discovery request.

3           6.       On September 15, 2017, YWS propounded its First Requests for Admissions upon  
4 Alon. On November 6, 2017, Alon served its response to this discovery request.

5           7.       In October, 2017, YWS issued several subpoenas to the Custodian of Records for  
6 various third parties.

7           8.       On January 10, 2018, the deposition of the Person Most Knowledgeable for Penta  
8 Building Group was taken by the Parties.

9 **II.       DISCOVERY REMAINING TO BE COMPLETED:**

10          1.       The depositions of the principals and person(s) most knowledgeable of YWS and  
11 Alon.

12          2.       Additional written discovery between the Parties, as needed, including but not  
13 limited to, requests for production of documents, requests for interrogatories and requests for  
14 admissions.

15          3.       The Parties anticipate disclosing initial experts pursuant to FRCP 26(a). The Parties  
16 additionally may disclose rebuttal experts pursuant to FRCP 26(a)(2).

17          4.       The Parties will conduct expert witness depositions.

18          5.       The Parties agree there will be numerous percipient witness depositions that will  
19 need to be taken.

20          6.       Additional discovery of non-parties, as needed.

21 **II.       REASON WHY DISCOVERY REMAINING WILL NOT BE COMPLETED WITHIN**  
22 **TIME LIMITS SET BY THE COURT'S DISCOVERY PLAN AND SCHEDULING**  
23 **ORDER:**

24          On August 8, 2017, YWS filed its Motion to Dismiss the Counterclaim against Tom  
25 Wucherer [ECF No. 24]. This motion has been fully briefed and is pending before this Court.

26          On October 12, 2017, Alon filed its Motion to Expunge YWS Architects, LLC's Mechanic's  
27 Lien [ECF No. 31]. This motion has been fully briefed. An Evidentiary Hearing was held on  
28 January 12, 2018. Following the evidentiary hearing, the Court ordered supplemental briefing on the  
Motion to Expunge.

Expert witness disclosures are due on March 1, 2018. The Parties agree that the current discovery deadlines do not offer enough time to complete all remaining discovery.

Additionally, the Parties believe the Court's rulings on the Motion to Dismiss and Motion to Expunge Mechanic's Lien will determine what, if any, additional discovery will be necessary.

**III. PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING DISCOVERY:**

The parties request a ninety (90) day extension to complete depositions, disclose expert witnesses and potentially supplemental discovery requests. Additionally the parties request that the dispositive motion and related deadlines all be extended. The proposed deadlines are as follows:

DEADLINE	CURRENT DATE	PROPOSED DATE
Discovery cut-off	April 30, 2018	July 30, 2018
Amending Pleadings and Adding Parties	January 30, 2018	May 1, 2018
Deadline to disclose expert witnesses	March 1, 2018	May 31, 2018
Deadline to disclose rebuttal expert witnesses	April 2, 2018	July 2, 2018
Deadline to file dispositive motions	May 30, 2018	August 29, 2018
Deadline to file joint pre-trial order (if no dispositive motions are pending before the Court)	June 29, 2018	September 28, 2018

If dispositive motions are filed, the deadline for filing the joint pretrial order will be suspended until 30 days after decision on the dispositive motions or further court order.

1 This request for extension of time made in good faith and is not being sought for purposes of  
2 delay.

3 Respectfully submitted:

4 **IT IS SO STIPULATED.**

5 DATED this 24<sup>th</sup> day of January, 2018.

6 GREENBERG TRAURIG, LLP

7 /s/Shauna L. Norton

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21 *Counsel for YWS Architects, LLP and Tom*  
22 *Wucherer*

23 **IT IS SO ORDERED** that the deadlines shall be extended as set forth above..

24 

25 UNITED STATES MAGISTRATE JUDGE

26 DATED: 1-24-2018

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 24<sup>th</sup> day of January, 2018, a true and correct copy of the foregoing **STIPULATION AND [PROPOSED] ORDER TO EXTEND DISCOVERY PLAN AND SCHEDULING ORDER DATES AND DEADLINES** was filed electronically via the Court's CM/ECF system. Notice of filing will be served on all parties by operation of the Court's EM/ECF system, and parties may access this filing through the Court's CM/ECF system.

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